

SENATE BILL No. 434

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-17-6.

Synopsis: Retirement of manufactured home titles. Requires a person who owns a manufactured home as personal property to obtain a certificate of title for the manufactured home. (Current law requires a certificate of title for manufactured homes whether owned as personal property or real property.) Requires an application for a certificate of title to include the manufacturer's serial number or the federal certification number, as available. Requires the bureau of motor vehicles (bureau) to adopt rules to require additional information in an application for a certificate of title. Repeals and relocates a provision requiring an affirmation of correctness by an applicant for a certificate of title. Provides that a person need not hold a certificate of title or a certificate of origin to apply for an affidavit to transfer a manufactured home to real estate. Requires the bureau to adopt rules concerning the issuance of an affidavit to transfer a manufactured home to real estate. Provides that a conversion of a manufactured home to real estate by the bureau is not required for the assessment of the manufactured home as real property.

Effective: July 1, 2007.

Weatherwax

January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 434

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-17-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who owns a
3 manufactured home **as personal property** shall obtain a certificate of
4 title for the manufactured home under this chapter.
- 5 SECTION 2. IC 9-17-6-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2007]: Sec. 2. A person applying for a
7 certificate of title under this chapter must submit an application on a
8 form furnished by the bureau that contains the following information:
- 9 (1) A full description of the manufactured home, **including:**
10 (A) **the unique serial number assigned by the manufacturer**
11 **to the manufactured home;**
12 (B) **the certification label number required by the United**
13 **States Department of Housing and Urban Development; or**
14 (C) **both the numbers required under clauses (A) and (B),**
15 **if available.**
- 16 (2) A statement of the person's title and of any lien or
17 encumbrance upon the manufactured home.



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(3) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).

~~(3)~~ (5) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 3. IC 9-17-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.1. (a) A person who:

(1) holds a certificate of title ~~or for~~;

(2) holds a certificate of origin for; or

(3) otherwise owns as an improvement;

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau.

(b) An application for an affidavit of transfer to real estate must contain the following:

~~(1) A full description of the manufactured home, including the legal description of the real estate to which the manufactured home is attached.~~

~~(2) The:~~

(A) certificate of title for the manufactured home, including a notation of any lien or encumbrance on the manufactured home; or

(B) manufacturer's certificate of origin for the manufactured home, if a certificate of title has not been issued for the manufactured home; along with:

(i) an application for a certificate of title under section 2 of this chapter; and

(ii) any appropriate fee under IC 9-29-4 and any appropriate service charge under IC 9-29-3.

~~(3)~~ an attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.

~~(4)~~ The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

~~(5)~~ The signature of the person applying for the affidavit directly under the statement set forth in subdivision ~~(4)~~:

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1 ~~(6) Any other information required by the bureau.~~

2 ~~(c) The bureau shall certify information regarding the title of the~~
3 ~~manufactured home on the affidavit of transfer to real estate.~~

4 **(c) The bureau shall adopt rules under IC 4-22-2 to implement**
5 **this section.**

6 SECTION 4. IC 9-17-6-15.3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.3. Upon receipt
8 from the person filing the affidavit of transfer to real estate, with the
9 accompanying **retired** certificate of title, the recorder of the county in
10 which the manufactured home is located shall record the affidavit in
11 the manner required by IC 36-2-11-8, provided that the auditor of the
12 county has performed the endorsement required by IC 36-2-9-18.

13 SECTION 5. IC 9-17-6-15.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.5. The filing in the
15 appropriate county recorder's office of the affidavit of transfer to real
16 estate with the **retired** certificate of title is deemed a conversion of the
17 manufactured home that is attached to real estate by a permanent
18 foundation to an improvement upon the real estate upon which it is
19 located. **However, a conversion under this section is not required**
20 **for the assessment of a manufactured home that is attached to real**
21 **estate by a permanent foundation as real property for purposes of**
22 **IC 6-1.1.**

23 SECTION 6. IC 9-17-6-3 IS REPEALED [EFFECTIVE JULY 1,
24 2007].

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